

1 PILLSBURY WINTHROP SHAW PITTMAN LLP
 BRUCE A. ERICSON #76342
 2 bruce.ericson@pillsburylaw.com
 JEFFREY JACOBI #252884
 3 jeffrey.jacobi@pillsburylaw.com
 50 Fremont Street
 4 Post Office Box 7880
 San Francisco, CA 94120-7880
 5 Telephone: (415) 983-1000
 Facsimile: (415) 983-1200

6 Attorneys for All Defendants
 7 Except Credit Suisse Securities (USA) LLC and
 Morgan Stanley & Company Incorporated
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9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION

12 PLUMBERS AND PIPEFITTERS LOCAL
 13 UNION NO. 630 PENSION-ANNUITY
 TRUST FUND, Derivatively on Behalf of
 14 CENTURY ALUMINUM COMPANY,
 15 Plaintiff,
 16 vs.
 17 JOHN C. FONTAINE, JACK E.
 THOMPSON, PETER C. JONES, ROBERT
 18 E. FISHMAN, JOHN P. O'BRIEN, WILLY
 R. STROTHOTTE, JARL BERNTZEN,
 19 CATHERINE Z. MANNING, LOGAN W.
 KRUGER, MICHAEL A. BLESS, WAYNE
 20 R. HALE, STEVE SCHNEIDER, CREDIT
 SUISSE SECURITIES (USA) LLC, and
 21 MORGAN STANLEY & CO.
 INCORPORATED,
 22 Defendants,
 23 - and -
 24 CENTURY ALUMINUM COMPANY, a
 25 Delaware corporation,
 26 Nominal Defendant.

No. C-09-4963-SI

**STIPULATION AND [PROPOSED]
 ORDER POSTPONING CASE
 MANAGEMENT CONFERENCE**

Attached hereto: Proposed Order

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1 **RECITALS**

2 1. On December 1, 2009, the parties entered into, and on December 9, 2009,
3 the Court (Judge Ware) signed, a stipulation and order coordinating the settling of the
4 pleadings in this derivative action (the “Derivative Action”) with the resolution of motions
5 to dismiss expected to be filed in the related consolidated class actions, No. C-09-1001-SI
6 (the “Class Actions”). *See* Stipulation and Order, Doc. 16 in this action, filed December 9,
7 2009. As stated in their stipulation, the parties did so (inter alia) for two reasons:

8 “7. Although it asserts different legal theories, the Derivative Action
9 arises out of the same transactions and occurrences as the Consolidated Class
10 Actions, and names the same individual defendants and underwriter defendants.

11 “9. The parties agree that it makes sense to postpone further activity in
12 the Derivative Action until the motions to dismiss the Consolidated Class Actions
13 are heard and resolved.”

14 *See* Doc. 16, ¶¶ 7, 9.

15 2. On December 14, 2009, this Court (Judge Illston) entered an Order Relating
16 Case relating this Derivative Action to the Class Actions. *See* Doc. 17 in this case and Doc.
17 57 in C-09-1001-SI.

18 3. The Class Action defendants filed motions to dismiss the Class Actions and
19 plaintiffs in that case sought to amend their complaint. *See* Docs. 61 - 65 filed Jan. 15,
20 2010 in No. C-09-1001-SI. The parties to the Class Actions ultimately stipulated to the
21 filing of an amended complaint, and to adjusting the briefing and hearing schedule so that
22 the hearing on the motions to dismiss the Class Actions, and the next case management
23 conference in the Class Actions, both would be heard on April 16, 2010 (with the motions
24 at 9 a.m. and the case management conference at 2:30 p.m.). This Court (Judge Illston)
25 signed the stipulated order. *See* Doc. 67-68, filed Jan. 29 and Feb. 1, 2010.

26 4. In accordance with the stipulation of the parties, on February 10, 2010, this
27 Court entered an order postponing the case management conference in the above-captioned
28 Derivative Action from February 26, 2010 at 2:30 p.m. to April 16, 2010, the same day as

1 the hearing and the case management conference in the Class Actions. *See* Doc. 22 filed
2 Feb. 10, 2010.

3 5. On April 1, 2010, the parties to the Class Actions filed a stipulation and
4 proposed order requesting, *inter alia*, that the hearing on the motions to dismiss the Class
5 Actions be heard on April 23, 2010 at 9:00 a.m. *See* Doc. 80 in C-09-1001-SI.

6 6. On April 6, 2010, the parties to the Class Actions filed a stipulation and
7 proposed order requesting that the case management conference in the Class Actions
8 (currently set for April 16, 2010 at 2:30 p.m.) also be continued to April 23, 2010. *See* Doc.
9 83 in C-09-1001-SI.

10 7. In light of the parties' stipulation in the above-captioned Derivative Action
11 (Doc. 16), and to conserve the parties' and the Court's resources, the parties agree that it
12 makes sense to reschedule the case management conference in this Derivative Action,
13 currently set for April 16, 2010 at 2:30 p.m., to April 23, 2010, the same day as the hearing
14 on the motions to dismiss and the case management conference in the Class Actions.

15 **STIPULATION**

16 THEREFORE, IT IS HEREBY STIPULATED, by and between the undersigned
17 counsel for the parties herein and the parties hereby respectfully request that the Court:

18 1. Continue the Case Management Conference currently set for April 16, 2010
19 at 2:30 p.m. until April 23, 2010, either at 2:30 p.m. or at 3:00 p.m., whichever the Court
20 prefers; and

21 2. Vacate the deadlines set by the Order Setting Initial Case Management
22 Conference and ADR Deadlines and the February 10, 2010 Order Postponing Case
23 Management Conference in favor of new deadlines consistent with this stipulation, the new
24 date set for the Case Management Conference and Fed. R. Civ. P. 26(f)(1) and (2), Civil
25 Local Rules 16-8 and 16-9, and ADR Local Rule 3-5.

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1 Dated: April 6, 2010.

2 ROBBINS GELLER RUDMAN & DOWD LLP
3 SHAWN A. WILLIAMS
4 100 Pine Street, Suite 2600
5 San Francisco, CA 94111

6 - and -
7 TRAVIS E. DOWNS III
8 BENNY C. GOODMAN III
9 655 West Broadway, Suite 1900
10 San Diego, CA 92101

11 By Benny C. Goodman III
12 Benny C. Goodman III
13 Attorneys for Plaintiff PLUMBERS AND
14 PIPEFITTERS LOCAL UNION NO. 630 PENSION-
15 ANNUITY TRUST FUND, Derivatively on Behalf of
16 CENTURY ALUMINUM COMPANY

17 **[PROPOSED] ORDER**

18 Upon consideration of the parties' stipulation and good cause appearing, IT IS
19 HEREBY ORDERED THAT:

20 1. The Initial Case Management Conference currently set for April 16, 2010 at
21 2:30 p.m. is hereby continued to April 23, 2010, at 2:30 p.m..

22 2. The deadlines set by the Order Setting Initial Case Management Conference
23 and ADR Deadlines (Doc. 4, filed Oct. 19, 2009) and the February 10, 2010 Order
24 Postponing Case Management Conference (Doc. 22) are hereby vacated in favor of new
25 deadlines consistent with Fed. R. Civ. P. 26(f)(1) and (2), Civil Local Rules 16-8 and 16-9,
26 and ADR Local Rule 3-5 (namely, the Joint Case Management Statement must be filed by
27 April 16, 2010).

28 Dated: April __, 2010.



The Honorable Susan Illston
United States District Judge